



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Kimle, et al.
SERIAL NO : 09/335,648
FILED : June 18, 1999
TITLE : METHOD OF ELECTRONICALLY INITIATING AND MANAGING
AGRICULTURAL PRODUCTION CONTRACTS
Grp./A.U. : 2164
Examiner : Kyle, C.
Conf. No. : 6709
Docket No. : P03566US0

**FOURTH SUPPLEMENTAL DECLARATION OF PRIOR INVENTION IN THE
UNITED STATES OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME
CITED PATENT OR PUBLICATION
(37 CFR 1.131)**

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF SCOTT CAVEY

1. I am the President and Chief Operating Officer of E-Markets, the Assignee of the above-identified application.
2. I have submitted in this application two prior Declarations which are incorporated by reference herein.
3. The central purpose of our company was formed around the concept claimed in the above-identified application. The conception of the idea occurred before September 1996. However, to actually implement and reduce to practice required a number of resources, both monetary and labor related.

4. From a time prior to September 1996 through the summer of 1997, our company was focused upon and primarily worked to reduce to actual practice a prototype of a system as claimed in the present application.
5. The activities that occurred on a day-to-day basis over that entire period of time included (a) organizing a company, (b) seeking and hiring employees, (c) seeking capital and funding, (d) meeting with employees and transferring conception of the idea to them for work on such things as mock-ups of screen displays, elementary programming code, and outlining of system architecture, (e) purchasing hardware and software and hiring personnel and supervising personnel to move that forward, (f) continuing to search out funding and experimental partners for the invention and to move it forward to reduction to practice.
6. The Third Supplemental Declaration submitted in this application details examples of the specific types of meetings and efforts that went into the above mentioned tasks. In between such meetings, work proceeded on moving the development of a working prototype forward, and management of resources towards that end.
7. As stated previously, the result was an initial prototype in the summer of 1997 complete with computer coding and graphic user interface for testing. This was the result of the many months of continuous work towards that end beginning prior to September 1996.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Assignee

Printed Name of Person Signing	<u>Scott Cavey</u>
Signature of Person Signing	
Title of Person Signing	<u>President and COO</u>
Date	<u>5-7-02</u>
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